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Docket No.: 240486US2S

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RE: Application Serial No.: 10/621,451

Applicants: Yoshiyuki TANAKA

Filing Date: July 18, 2003

For: NONVOLATILE SEMICONDUCTOR MEMORY

Group Art Unit: 2824

Examiner: Nguyen, H.

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 240486US2S



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

YOSHIYUKI TANAKA : EXAMINER: NGUYEN, H.

SERIAL NO: 10/621,451 :

FILED: JULY 18, 2003 : GROUP ART UNIT: 2824

FOR: NONVOLATILE :  
SEMICONDUCTOR MEMORY

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated October 5, 2004 Applicant provisionally elects with traverse Group II, Claims 22-24, 27-30, 32, 34, 36 and 38, drawn to a memory system operate in page addressing, classified in class 365, subclass 238.5, for further examination on the merits. Applicant reserves the right to file one or more divisional applications directed to the non-elected invention.

Applicants respectfully traverse the outstanding restriction on the basis that the restriction erroneously characterizes the Group II claims as being directed to a "volatile memory system." However, the Group II claims include no such limitation. Therefore the basis of the restriction stated at page 2 of the outstanding Official Action is believed to be incorrect and reconsideration thereof is respectfully requested.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on

the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-53 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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